



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/611,622 Confirmation No. 6467  
Applicants : Merkenstock et al.  
Filed : July 7, 2000  
Art Unit : 2194  
Examiner : Truong, Lechi  
Docket No. : 013647.00003  
Customer No. : 33649  
Title : SYSTEM AND METHOD FOR PROGRAMMING POINT OF SALE DEVICES

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8:**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 20, 2007.

  
Joan B. Farragher

**COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE**

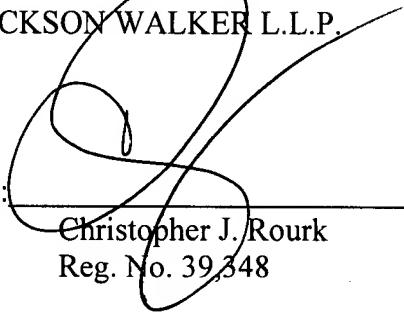
Dear Sir:

In regards to the Notice Of Allowance mailed May 24, 2007, it is noted that the Examiner has failed to provide any reasons why the noted difference between the allowed claims and the prior art is considered to define the allowed claims over the prior art, and the reason therefore is not clear in the record. For example, the Examiner indicates in the Reasons for Allowance that the claims are allowable because the prior art fails to disclose or suggest the features recited in the various claims. As such, the statement on the Reasons for Allowance fails to address the proper construction of the claims. As claim construction relies on the claims as a whole, the specification and the prosecution history, merely stating that the prior art fails to disclose or suggest the features recited in the various claims fails to provide any reasons why the noted difference between the allowed claims and the prior art is considered to define the allowed

claims over the prior art. Merely identifying a feature from the claims that is not present in the prior art fails to construe that feature in any meaningful way.

Respectfully submitted,  
JACKSON WALKER L.L.P.

Dated: August 20, 2007

By:   
Christopher J. Rourke  
Reg. No. 39,348

901 Main Street, Suite 6000  
Dallas, Texas 75202  
Direct: 214/953-5990  
Facsimile: 214/661-6604  
Email: [crourke@jw.com](mailto:crourke@jw.com)